UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,336	07/18/2003	Dinesh Katiyar	EPI-019-1C US 7034323001	4851

7590 05/19/2006	EXAMINER
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DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17,20-22,31 and 32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17,20-22,31 and 32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17, 20-22, and 31-32 are pending for examination.

2.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (paragraph [0023]). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

5.   Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

6.   Claims 31 is rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim 1 of U.S. Patent No. 6636886. Although the

conflicting claims are not identical, they are not patentably distinct from each other

because both computer systems comprise substantially the same elements. For

example, claim 31, functions performed by the steps are the same and obvious as the

steps of claim 1 of U.S. Patent No. 6636886.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-4, 6-11, 14-17, 20, and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Trenbeath et al. (hereafter Trenbeath) (U.S. Patent No. 6324587).

9.   As per claim 1, Trenbeath teaches the invention substantially as claim including a

method for transferring an information object across a network, wherein the information

object resides on a first storage device accessed by provider process executing on a

first processor, wherein the information object comprises a plurality of attributes

contains information, wherein a consumer process executes on a second processor

(figs. 4A-B, 5A-E; abstract), the method comprising:

       sending the information object across the network to the consumer process (col.

3, lines 5-12; col. 9, lines 6-35);

       storing the information object in second storage device as a second instance of

the information object (col. 10, lines 14-20);

       after sending the information object, using the provider process to modify one or

more of the attributes of the information object (abstract);

       sending the one or more modified attributes of the information object across the

network to the consumer process (col. 3, lines 22-25; col. 10, lines 42-50); and

       synchronizing the second instance of the information object based on the one or

more attributes (col. 3, lines 25-31; col. 10, lines 50-55).

Trenbeath did not specifically teach an amount of information by the one or more

modified attributes being less than an amount of information contained by the

information object.

10.   However, Trenbeath teaches that the information object contain the attributes

(figs. 4A-B, 5A-E; abstract).

11.   It would have been obvious to one of an ordinary skill in the art at the time the

invention was made to have recognized that Trenbeath teaching of the information

object contain the attributes leading to the obvious reason for an amount of information

by the one or more modified attributes being less than an amount of information

contained by the information object. Therefore, one would be motivated to utilized the

system for sharing data messages and other data objects between users on different

machines (Trenbeath, col. 1, lines 8-10).

12.   As per claims 2-4; Trenbeath teaches that wherein the information object is a

data object, a data definition, and an algorithm (col. 6, lines 19-59).

13.   As per claim 6, Trenbeath teaches that wherein the information object is stored in

a storage device local to the processor executing the provider process (figs. 5A-E).

14.   As per claim 7, Trenbeath teaches the step of using the provider process to

create the information object (col. 11, lines 10-29).

15.   As per claim 8, Trenbeath teaches:

receiving modification requests at the server process in the form of

add/update/delete instructions (col. 17, lines 18-28);

using the server process to modify the communication object in accordance with

the received requests (col. 20, lines 28-38); and

using the server process to transmit information on modifications to the

communication object (abstract).

16.   As per claim 9, Trenbeath teaches;

receiving consumer resquests at the server process in the form of

publish/subscribe/edit operations (col. 17, lines 18-28);

in response to publish operation request, using the server process to create a

new instance on the information object (col. 20, lines 14-23);

in response to a subscribe operation request, using the server process to cause

information on modifications to the information object to update the second instance of

the information object on the second storage device (col. 20, lines 28-38); and

in response to edit operations, using the server process to modify the information

object (col. 20, lines 38-48).

17.   As per claim 10, Trenbeath teaches that executing an automated process in

response to publish operation to perform a function on an instance of the information

object (col. 11, lines 58-67).

18.   As per claim 11, Trenbeath teaches that using a server process to prevent one or

more of multiple instances from being synchronized (col. 13, lines 23-40; col. 14, lines

4-21).

19.   As per claim 14, Trenbeath teaches:

the network is a client-server arrangement (fig 5A); and

sending the one or more modified attributes of the information object across the

network to the consumer process comprises transferring information in a series of

multiple store-and-forward operations (abstract).

20.   As per claim 15, Trenbeath teaches that wherein the network is the Internet using

Internet Protocol for information transmission (abstract).

21.   As per claim 16, Trenbeath teaches that wherein identification of information

objects uses an identifier that includes a URL as standardized on the Internet (col. 13,

lines 41-62).

22.   As per claim 17, Trenbeath teaches that the information object is associated with

a data definition defining the class of the information object (col. 3, lines 5-67); and each

instance of the information object is an instance of the defined class (col. 3, lines 5-67).

23.   As per claim 20, and 22, they are rejected for the same reason as claims 1, 9,

and 17 above.

24.   Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Trenbeath et al. (hereafter Trenbeath) (U.S. Patent No. 6324587), as applied in claim 1

above, and in view of Reed et al. (hereafter Reed) (U.S. Patent No. 6044205).

25.   Reed was cited in the previous office action.

26.   As per claim 12, Trenbeath teaches the invention substantially as claimed in

claim 1. Trenbeath did not specifically teach that each attribute comprises one or more

name/value pairs, each name/value pair comprises a name and a value, the method

further comprising: formulating a relational criterion based on one or more names of the

name/value pairs.

27.   However, Reed teaches that each attribute comprises one or more name/value

pairs, each name/value pair comprises a name and a value (col. 26, lines 44-67; col. 27,

lines 1-10), the method further comprising: formulating a relational criterion based on one or more names of the name/value pairs (col. 27, lines 11-27).

28.   It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Trenbeath and Reed because Reed teaching of formulating a relational criterion based on one or more names of the name/value pairs would improve the integrity of Trenbeath's system by allowing providers and consumers to quickly and easily establish an automated communications relationship, simplify the transfer and storage of information between both parties (Reed, col. 5, lines 63-67).

29.   As per claim 13, Reed teaches that each attribute comprises one or more name/value pairs, each name/value pair comprises a name and a value (col. 26, lines 44-67; col. 27, lines 1-10), the method further comprising:

formulating a relational criterion based on one or more values of the name/value pairs (col. 27, lines 11-27).

Allowable Subject Matter

30.   Claims 5, and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

31.   Claims 31-32 would be allowable if applicant timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Response to Arguments

32.   Applicant's arguments with respect to claims 1-17, 20-22, and 31-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katiyar et al. (U.S. Patent No. 6636886), Flanagin et al. (U.S. Patent No. 6272545), Prasad et al. (U.S. Patent No. 6539381), and Erickson et al. (U.S. Patent No. (6892210) teach system for synchronizing object in a client-server environment.

34.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

35.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

36.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

                                              Jennifer N. To
                                              Examiner
                                              Art Unit 2195

*M*c~~MENG-AL~~ AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100